

**CITY OF ENCINITAS
ADMINISTRATIVE MANUAL**

Policy Title: Policies & Protocols for City Council Meetings. **Section:** City Council

Responsible Department: City Manager's Office **Number:** C003

Approved By: City Council **Date Approved:** 08/26/09

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7/17/2013, 7/09/14, 9/17/14

I. Placing Items on a City Council Agenda

To establish the procedures by which items are added to the City Council agenda when requested by Council Members, staff or the public.

A. To Add Item during a Meeting to that Meeting's Agenda

To add an item to a meeting in progress, the Brown Act requires 4/5ths of the City Council (or three if there are only three present) to find that the item came to the City's attention during the previous 72 hours and there is a need to take action before the City Council's next meeting.

B. To Add an Item during a Meeting to a Future Agenda

1. The Chair gives an express, oral direction to the City Manager.
2. At the request of a Council Member, with the support of a second Council Member, an item will be placed on a future agenda.
3. Requests from members of the audience, after being authorized to speak, may be considered under the "Future Agenda Items Added by Council" section of the agenda at the initiation of a Council Member with the support of a second Council Member.
4. If a Council Member disagrees with the Chair's direction to the City Manager, the Council Member can make a motion to vote on the addition. The vote is without City Council discussion of the merits of the item or the basis of the request.
5. The Chair may, with support of the majority of the City Council, refer items to a Commission or Subcommittee for further review.

C. Council Initiated Agenda Item

- 1. City Council Members may add a Council Member Initiated Agenda Item to a City Council Meeting agenda.**
- 2. Council Initiated Items are prepared by the requesting Council Member and require no staff time.**
- 3. Council Initiated Items must be submitted to the City Clerk no later than noon the Wednesday prior to the next City Council meeting and are not reviewed by the Mayor or City Manager prior to submission to the City Clerk.**

D. Process for Developing Agendas

- 1. The City Manager is authorized to place items on agendas that are generated by city administrative requirements, laws, or City ordinances, for example:**
 - warrants**
 - contract awards**
 - appeals**
 - adoption of ordinances**
 - permit applications issued by Council.**
- 2. The City Manager shall review with the Mayor, or the Deputy Mayor in the absence of the Mayor, a schedule of future agenda items.**

E. List of Pending Agenda Items

- 1. The City Manager will maintain a list of pending agenda items that have been requested and agreed to, but have not yet been scheduled.**
- 2. The list will be included as an attachment to the Council agenda with the City Manager's best estimate of when the item is likely to come before the Council.**

II. Council Meetings

It is the intent of the City Council that rules be established for the management of Council meetings to ensure compliance with relevant laws and to conduct the public's business in an open, transparent, and efficient manner. The Council strives to ensure that business requiring Council deliberation and action is given priority in the planning and conduct of Council meetings, and that the public has the opportunity to make comments and provide input on any item of interest.

A. Council Members' Rules of Procedure

- 1. Procedural Rules:** All meetings of the City Council shall be conducted in an orderly manner designed to expedite the business of the City Council. Robert's Rules of Order will be used as a guide to resolve questions of parliamentary procedures. The City Attorney shall serve as the Parliamentarian.
- 2. Consent Calendar:** Those matters which are considered routine by the City Manager shall be initially placed on the consent calendar. Before adopting the consent calendar, the Chair will ask members of the public and members of the City Council whether anyone wishes to add an agenda item to the consent calendar or to move a matter from the consent calendar to the regular agenda. Council will then proceed with consideration of the remaining Consent Calendar. The consent calendar will be enacted upon with one motion, and the ordinances being read by title will be waived. There will be no separate discussion of these matters. Items pulled from the consent calendar will be considered immediately following adoption of the remaining consent calendar, and staff reports will only be given if requested by the person who pulled the item.
- 3. Action of City Council:** the City Council shall act by motion, motion to adopt resolution or motion to adopt ordinance, or may give direction by consensus.
- 4. Rules of Debate:** Debate upon all matters pending before the City Council shall be under the direct supervision of the Chair and conducted in such a manner as to expedite the business of the City Council, subject to the procedural rules of the City Council and Robert's Rules of Order.
- 5.** The use of electronic devices for communication by Council Members at the dais during City Council meetings is prohibited (e.g. mobile phones, smart phones, tablets for e-mailing, text messaging, etc.) The limitation shall not apply to receipt of electronic communications in the event of an urgent family or personal matter. If, in the opinion of the Chair, a Council Member's use of an electronic device is disruptive to Council deliberations or disrespectful to the public, the Chair may request that the Council Member cease his or her use of such device.
- 6. Remarks by Council Members:** Every Council Member desiring to speak shall so indicate using the "request to speak" button on the display screen or otherwise address the Chair. Upon recognition by the Chair, the Council Member shall confine remarks to the item

under consideration, avoiding remarks regarding the personalities involved and avoiding indecorous language. A Council Member, once recognized, shall not be interrupted when speaking unless it is to call him/her to order. If a Council Member while speaking is called to order, the Council Member shall cease speaking until the question of order is determined. No Council Members shall make a statement representing the City's position or policy unless supported by a motion or resolution of the City Council.

7. **Abstention Votes:** Unless a member of the City Council audibly votes in the negative, silence shall be recorded as an affirmative vote. An abstention shall be recorded as a vote with the majority. The Council Member abstaining may state a short sentence explaining the reason for abstaining and this sentence shall be included in the minutes. (This assumes that the abstentions are not due to a conflict of interest. In a conflict of interest, the conflicted Member leaves the room and is considered absent for purposes of both a quorum and a vote.)
8. **Teleconferencing:** Teleconferencing shall be allowed as per Government Code.

B. Citizen Participation in Council Meetings – Oral Communications

1. At each regular City Council meeting up to 30 minutes shall be reserved for Oral Communications.
2. The purpose of oral communications is to bring to the attention of the Council a matter or matters which do not appear on the agenda. Remarks shall be addressed to City Council as a body and not to any member of the City Council, staff or the public. State law prohibits Council action on non-agenda items because the public would be unaware prior to the meeting of any potential action. If needed, Oral Communication items will be referred to the City Manager either for resolution by administrative action or placement on a future agenda by the Chair or at the request of at least two Council Members.
3. White speaker's slips will be available at the back of the Council Chambers to be filled out indicating a person's wish to address the Council under the agenda title "Oral Communications" and the subject on which the person wishes to speak. The slips will be accepted by the City Clerk in the Council Chambers no earlier than 30 minutes before the start of the meeting. All oral communications speaker slips must be received by the Clerk by the start of oral communications.
4. The City Clerk will review the slips. The Clerk will inform the Chair of the number of slips. If the number of speakers, at three minutes each,

exceeds the 30 minute allotted time for Oral Communications, the Chair, in consultation with the Council, will determine the time allotted per speaker, extension of Oral Communications time, or continuation of remaining speakers to the end of the meeting.

5. Donations of time from one speaker to another will not be permitted in Oral Communications.
6. Only the Chair shall respond to a speaker during Oral Communications. Discussion is not allowed under law. If a Council Member has a valid question to clarify the issue, the question will be directed through the Chair.

C. Public Comment on Agenda Items

1. The public is allowed to comment on items which appear on the agenda.
2. Speaker slips will be available in the Council Chambers to be submitted by persons wishing to speak on an agenda item. The normal time allowed for a person to speak will be three minutes. Donation of time from one person to another will be permitted with up to two time donations for a maximum of 9 minutes, when speaking. The donor must be present. The Chair shall have the authority, with Council consensus, to reduce equally each speaker's time to accommodate a larger number of speakers, or to limit the total speakers' time on an agenda item.
3. Speaker slips for agenda items will be accepted by the City Clerk in the Council Chambers no earlier than one-half hour before the meeting and up until the public testimony on the item is finished. Included on the speaker slip shall be the option for an individual to register support or opposition but do not wish to speak (individual must be present).
4. Remarks shall be addressed to City Council as a body and not to any member of the City Council, staff or the public. No person shall enter into a discussion without the permission of the Chair. No questions shall be asked of a City Council Member or staff member except through the Chair. The Chair may limit interaction between Council Members and public speakers to questions of clarification.
5. If there is a group representing a common position, designation of a spokesperson is encouraged. The Chair may allot a fixed amount of time for presentations of this nature. Commonly 10 minutes.

6. Outside presentations shall be limited to 10 minutes maximum unless additional time has been requested through the City Clerk with approval by the Mayor.

D. Public Hearings

1. Public Hearings are occasions specifically for the purpose of obtaining public input.
2. Speaker slips will be available in the back of the Council Chambers to be submitted by persons wishing to speak at a public hearing.
3. Speaker slips will be accepted by the City Clerk in the Council Chambers no earlier than one-half hour before the meeting and up until the public testimony on the item is finished.
4. The normal time allowed for a person to speak in a public hearing will be three minutes. The Chair shall have the authority, with Council consensus, to reduce equally each speaker's time to accommodate a larger number of speakers, or to limit the total speakers' time in a public hearing.
5. Donation of time from one person to another will be permitted with up to two time donations for a maximum of 9 minutes, when speaking in a public hearing. The donor must be present.
6. If there is a group representing a common position, designation of a spokesperson is encouraged. The Chair may allot a fixed amount of time for presentations of this nature. Commonly 10 minutes.

E. Public Hearings on Appeals

1. Participation in Public Hearings on appeals is limited to appellant/application initial objectors, initial supporters and persons whose interests may be affected by the outcome of the hearing. Common practice is allowing speaking time of 10 minutes for both applicant and appellant with 5 minutes each for rebuttals.

Note: Please see Municipal Code Section 1.12.030A on the time constraints for submitting material relating to Public Hearings on Appeals.

F. Written Communications

1. Per Government Code Section 54957.5, any agenda related writings received by a majority of the City Council within 72 hours before a

regular meeting, must be distributed to all Council Members and a copy placed in the designated binder in the City's lobby. However, it is the City's practice to distribute all written correspondence received by any one Council Member to all Council Members and correspondence pertaining to an agenda item, is also placed in a binder in the lobby.

2. Written communications may also be presented to the City Clerk at City Council meetings, as part of the record of the meeting and for distribution to the City Council.

G. Minutes

1. The City Clerk is instructed to prepare action minutes for each Council meeting. The City Clerk shall add a brief description /topic for oral communication speakers, add any staff direction to the minutes that was a result of oral communication requests, add a one sentence statement as to why an item was removed from the Consent Calendar, and note whether the speaker was speaking in favor or opposition to agenda items.
2. A City Council Member has the right to have entered into the minutes a brief sentence of the Council Member's reasons for dissenting from or protesting against an action of the City Council.

H. General Meeting Rules

The City Council is pleased to have people attend Council Meetings to participate in their local government. The following rules are established in order to insure an orderly meeting where all can exercise their rights of free speech:

1. No smoking.
2. No alcohol.
3. Signs limited to 8-1/2" X 11" or smaller flexible paper without rigid support (due to safety concerns).
4. To assure that every speaker is listened to in a respectful manner, cheering, shouting or disruptive behavior shall not be tolerated. The Chair may direct appropriate remedial action if necessary.
5. In the interests of saving time, Council requests that the audience refrain from clapping for speakers.
6. No pets are allowed in Council Chambers. Service animals are permitted.

I. Communication Guidelines

Council Communication Guidelines

- **Articulate own perspective with respect**
- **Focus on making “informed decisions”**
- **Stay on topic-current agenda item**
- **Ask questions for clarification-clarify the facts**
- **Acknowledge legitimate disagreement**
- **Respect the majority opinion**
- **Be courteous, professional and respectful**

Community Communication Guidelines

Welcome to our Council meeting. When addressing the Council, please:

- **Address the Council as a body, not individuals**
- **Clarify your goal/purpose at the outset**
- **Respect the three-minute time limit-stop at the buzzer**
- **Council may ask questions for clarification**
- **No dialogue with Council during oral communications**
- **Be courteous, professional and respectful**

J. Applications of Rules to Boards, Commissions, and Committees

For consistency of meeting procedures and protocol, these rules shall apply to all boards, commissions, and committees of the City of Encinitas.